

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
TEXARKANA DIVISION

SMITH'S READY MIX, INC.

PLAINTIFF

v.

Case No. 4:18-cv-04014

LIBERTY MUTUAL INSURANCE COMPANY

DEFENDANT

ROBERTSON CONTRACTORS, INC.

INTERVENOR PLAINTIFF

v.

SMITH'S READY MIX, INC.

INTERVENOR DEFENDANT

SMITH'S READY MIX, INC.

COUNTER-CLAIMANT

v.

ROBERTSON CONTRACTORS, INC.

COUNTER-DEFENDANT

ORDER

Before the Court is the parties' Joint Stipulation of Penalties, Interest, Attorney Fees and Costs. (ECF No. 97). The Court finds that no response is necessary and that this matter is ready for consideration.

Plaintiff Smith's Ready Mix, Inc. ("SRMI"), Defendant Liberty Mutual Insurance Company ("Liberty"), and Intervenor Plaintiff Robertson Contractors, Inc. ("Robertson") consent and stipulate to entry of judgment in favor of SRMI against Liberty and Robertson for an award of 12% penalties, pre-judgment interest, costs and attorney's fees as follows: 12% Penalty (Ouachita Payment Bond Claim), \$8,599.39; 12% Penalty (Donaldson Payment Bond Claim), \$613.78; Pre-Judgment Interest (Ouachita

Payment Bond Claim), \$7,973.68; Pre-Judgment Interest (Donaldson Payment Bond Claim), \$559.24; Costs pursuant to 28 U.S.C. § 1920, \$4,193.95; and Attorney's Fees, \$60,030.00. The parties jointly move for entry of judgment in favor of Plaintiff Smith's Ready Mix, Inc. against Defendant Liberty Mutual Insurance Company and Intervenor Plaintiff Robertson Contractors, Inc. for a total award amount of \$81,970.04.

The Court finds no reason to deny the parties' request. Therefore, it is hereby **ORDERED** that Defendant Liberty Mutual Insurance Company and Intervenor Plaintiff Robertson Contractors, Inc. shall pay the agreed amount to Plaintiff Smith's Ready Mix, Inc., as set forth above. The Court retains jurisdiction to enforce the present stipulation.

IT IS SO ORDERED this 15th day of February 2022.

/s/Robert T. Dawson

ROBERT T. DAWSON
SENIOR U.S. DISTRICT JUDGE